

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CSX TRANSPORTATION, INC.,

Plaintiff,

v.

Case Number 09-13626

Honorable David M. Lawson

Magistrate Judge Paul J. Komives

HOG BROTHERS RECYCLING, LLC,  
DOUGLAS DAUER, FRANK  
DENARDO, JR., PATRICIA WINTER,  
and CLIFFORD WINTER,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION  
AND GRANTING PLAINTIFF'S MOTION TO EXTEND TIME IN WHICH TO  
SERVE DISCOVERY UPON GARNISHEES**

Presently before the Court is the report issued on October 29, 2012 by Magistrate Judge Paul J. Komives pursuant to 28 U.S.C. § 636(b), recommending that the Court grant the plaintiff's motion for an extension of time in which to serve discovery upon garnishees. Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the Magistrate Judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt. #57] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's motion for extension of time in which to serve discovery upon garnishees [dkt. #52] is **GRANTED**.

It is further **ORDERED** that if the plaintiff desires to serve written interrogatories on and to notice the depositions of Frank DeNardo, Clifford Winter, Douglas Dauer, and Patricia Winter, then it must do so **on or before November 29, 2012**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: November 19, 2012

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 19, 2012.

s/Deborah R. Tofil  
DEBORAH R. TOFIL